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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,678	03/03/2000	Wayne Xin	XIN 3	5710

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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11

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**Commissioner for Patents**

## Office Action Summary

**Application No.**

09/518,678

**Applicant(s)**

XIN, WAYNE

**Examiner**

Sheila B. Smith

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-12,15-17 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,5-12,15-17 and 20-22 is/are allowed.
- 6) ☐ Claim(s) 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watters et al. (U. S. Patent Number 5,982,324) in view of Fisher et al. (U.S. Patent Number 6,295,455).

***Regarding claim 23,*** Watters et al. discloses essentially all the claimed invention as set forth in the instant application, further Watters et al. discloses combining GPS with toa/tdoa of cellular signals to locate terminal, in addition Watters et al. discloses a wireless communications system comprising: a satellite positioning system receiver (1005 and 1100); a wireless communication front end (which reads on then handset) ; and a module which adapted to output during a telephone call a final GPS location corrected by a local error difference determined external to wireless device by a fixed GPS receiver and wirelessly transmitted to said wireless device (which reads on column 2 lines 29-38). However, Watters et al. fails to specifically disclose a output during a telephone call a final GPS location.

In the same field of endeavor, Fisher et al. further discloses methods and arrangement s for locating a mobile telecommunications station. In addition Fisher et al. discloses transmitting during a telephone call as disclosed in column 3 lines 24-26.

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Watters et al. by modifying a different GPS and or glonass with transmitter for transmitting combined value during a telephone call as taught by Fisher et al. for the purpose of determining an approximate geographical location of the mobile station.

**Regarding claims 24**, Watters et al. in view of Fisher et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a wireless device, local error difference includes longitude and latitude information location determining system and difference further comprises an altitude difference (disclosed in column 1 lines 26-30 and column 2 lines 55-60.)

**Regarding claim 25**, Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a wireless device wherein satellite positioning system is a GPS system receiver location determining system (1005 ) (which reads on column 19 lines 48-49).

**Regarding claim 26**, Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a wireless device, a wireless communications front end is a cellular telephone (1010 ) (which reads on column 19 lines 48-49).

**Allowable Subject Matter**

1. Claims <sup>1, 5-12 and 15-17</sup>~~1-222~~ are allowed.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith  
October 1, 2003

  
**SINH TRAN**  
**PRIMARY EXAMINER**